



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 29 2003

MEMORANDUM

SUBJECT: National Environmental Performance Track Program

FROM: John Peter Suarez   
Assistant Administrator  
Office of Enforcement and Compliance Assurance

Jessica L. Furey   
Associate Administrator  
Office of Policy, Economics, and Innovation

TO: Regional Administrators  
Deputy Regional Administrators  
Regional Counsel  
Enforcement Division Directors  
Enforcement Coordinators  
Performance Track Coordinators

On April 23, 2003, the Office of Enforcement and Compliance Assurance (OECA) and the Office of Policy, Economics, and Innovation (OPEI) jointly issued a memorandum entitled "National Environmental Performance Track Program." That memo reiterated our commitment to ensuring full implementation of the benefits afforded Program members. Because the integrity of this program is of primary importance, we would like to call your attention to the first NEPT Progress Report, and update you on the status of new and withdrawn members of the program. This should help us to deliver the appropriate recognition and benefits afforded to Program members. We would also like to remind you of our procedures for assuring that Performance Track members receive a low priority for routine inspections, as well as to discuss enhancements we are making to the Facility Registry System to assist you in identifying Performance Track members.

First Performance Track Progress Report

In April, 2003, EPA released its first Performance Track Progress Report detailing the results of the first year of commitments. Data from this report show that facilities improved their environmental performance significantly during the first year in the program in areas such as air pollution, water pollution, and solid waste. Most importantly, all improvements reported to the program exceeded those required by law. For more detailed information, the Progress report can be found on the Web at [http://www.epa.gov/performance/track/pt\\_progress\\_report\\_final.pdf](http://www.epa.gov/performance/track/pt_progress_report_final.pdf).

### New and Withdrawn Performance Track Members

With respect to new and withdrawn members, the Agency, in cooperation with its state partners, accepted 75 facilities into the NEPT from August 2002 through August 2003. During that time, 43 facilities withdrew from the Program because they determined it was not in their best interest to continue membership or because they were not meeting the NEPT criteria. Examples of not meeting the criteria include non-submission of an annual performance report or having a severely deficient EMS as determined by Performance Track staff during 90+ facility site visits conducted over the past three years. As of today, the total NEPT membership stands at over 300 facilities. The names of these facilities, along with their applications and annual performance reports, can be found at <http://www.epa.gov/performance-track/particip/index.htm>. The lists of new and withdrawn facilities are provided in Attachments 1 and 2, respectively.

### Low Priority for Routine Inspections

As this Program grows and develops, it is important that we recognize NEPT members as strong performers with public records of environmental results and future performance commitments. One element of that recognition is our vigorous implementation of program incentives. As noted in the April 23, 2002 memorandum, an important part of the Performance Track members' leadership role in environmental performance is their commitment to continued compliance. This commitment is evidenced by certain program elements including implementation of an environmental management system (EMS) that requires a commitment to compliance, periodic EMS and compliance audits, and an annual certification of compliance.

In recognition of these and other program elements, facilities in Performance Track are considered to be a low priority for routine inspections. These routine inspections comprise the majority of EPA inspections, and generally occur when there is no specific reason to believe that a violation exists at a specific facility. EPA provides this low inspection priority status since the performance- and compliance-focused EMSs implemented by Performance Track members, and the periodic auditing, should prevent non-compliance at Performance Track facilities. In limited situations, EPA could inspect Performance Track facilities where the Agency has information that serious problems may exist. Examples of such problems are criminal activity, major compliance problems in a priority area of concern to the Agency, or endangerment.

We remain committed to ensuring full implementation of our promise that Performance Track facilities be treated as a low priority for routine inspections. Senior enforcement officials in each Region (the Deputy Regional Administrator or Division Director as appropriate) are responsible for ensuring that this policy is implemented and incorporated into internal planning and accountability processes, as well as in planning with states and localities. [Please note that the NEPT policy regarding low priority for routine inspection is limited to federal inspections; however, we encourage our state enforcement programs to honor this policy as well.] Prior to conducting an inspection of a Performance Track facility, the Deputy Regional Administrator should consult with the Principal Deputy Assistant Administrator for the Office of Enforcement and Compliance Assurance.

### Performance Track "Flags" in the Facility Registry System

As a major step toward helping Agency staff recognize which regulated facilities are Performance Track members, our offices are working jointly with the Office of Environmental Information to place an "NEPT flag" in the Facility Registry System (FRS) for facilities that are current Performance Track Program members. As you may know, the FRS is EPA's primary means for linking media program permits and IDs to their respective facilities. OPEI is now in the process of confirming NEPT member facilities' permit/ID linkages. Once confirmed, they will be submitted to FRS to create an accessible master record. OPEI will serve as FRS data stewards and will update a facility's NEPT status and its permit linkages.

Once the FRS identification process is complete, the set of permits/IDs can be used to insert a NEPT Flag in the database applications used by inspectors and those setting inspection priorities (e.g., OTIS, EnviroFacts) to ensure that member facilities receive low priority for routine inspections. Additionally, OPEI will be able, via OTIS, to easily and quickly monitor on-going compliance of all NEPT members through a "Watch List" application. OPEI will check the "Watch List" of NEPT members on a regular basis to ensure that listed facilities continue to meet the program criteria and remain in good standing. We hope that you find this FRS project helpful and would appreciate any feedback you might have.

### Contacts for Further Information

We ask you to join us in our support for the NEPT and also for your continued cooperation in implementing the low inspection priority incentive for Performance Track members. We will continue to update you on the most current membership of the NEPT following each application review period (the next one will close at the end of January 2004). In the meantime, please do not hesitate to contact Gale Bonnano in OECA/OPPAC (202-564-2243) with enforcement-related NEPT questions or Dan Fiorino in OA/OPEI (202-566-2869) for NEPT program questions.

### Attachments (2)

cc: Assistant Administrators  
Deputy Assistant Administrators

## Attachment 1

### List of Accepted Facilities to the National Environmental Performance Track Program Rounds 4, 5, and 6

#### Round 4 – Admitted August 1, 2002

Region	Facility Name	Location
2	Carney's Point Generating Plant	Carney's Point, NJ
2	Hempstead Resource Recovery Facility	Westbury, NY
2	Logan Generating Company	Swedesboro, NJ
3	Dow West Va. Operations, South Charleston Site	So. Charleston, WV
4	International Paper - Courtland Mill	Courtland, AL
4	International Paper - Georgetown Mill	Georgetown, SC
4	Ricoh Electronics, Inc., GA Plant	Lawrenceville, GA
4	Ultra Additives, Inc.	Clover, SC
5	Arizona Chemical Co.	Picayune, MS
5	Eaton Corp.	Rochelle, IL
5	Grob Systems	Bluffton, OH
5	Madison Precision Products	Madison, IN
6	3M Menomonie	Menomonie, WI
6	Covercraft Industries, Inc.	Pauls Valley, OK
6	International Paper - Texarkana Mill	Domino, TX
6	Lockheed Martin Missiles and Fire Control	East Camden, AR
6	MD Anderson Cancer Center	Houston, TX
6	Rockwell Collins	Richardson, TX
6	Ryder Integrated Logistics, Inc., El Paso Dist. Center	El Paso, TX
6	Ryder Integrated Logistics, Inc., Laredo Dist. Center	Laredo, TX
7	3M Nevada	Nevada, MO
9	Ricoh Electronics, Inc., OMG	Tustin, CA
10	SEH America	Vancouver, WA

#### Round 5 Admitted February 1, 2003

Region	Facility Name	Location
1	Gillette Andover Manufacturing Center	Andover, MA
1	International Paper - Bucksport Mill	Bucksport, ME
2	Baxter Fenwal Division	San German, PR
2	Baxter Fenwal Division, Maricao	Maricao, PR
2	Baxter Healthcare Corp. of Puerto Rico	Jayuya, PR
2	Huntsman Polyurethanes	West Deptford, NJ
3	DuPont Front Royal	Front Royal, VA
4	Alpharetta Ready Mix Concrete Plant	Alpharetta, GA
4	Arizona Chemical	Pensacola, FL
4	Baxter Healthcare - Cleveland, MS	Cleveland, MS
4	Dana Spicer Heavy Axle and Brake Division	Glasgow, KY
4	Griffin Power Systems-Caterpillar	Griffin, GA
4	Interface Flooring Systems	LaGrange, GA
4	Jefferson County General Services	Birmingham, AL
4	Lockheed Martin Missiles and Fire Control, Orlando	Orlando, FL

5	Airtex Products	Fairfield, IL
5	Bridgestone/Firestone Off Road Tire Company	Normal, IL
5	Johnson Diversey Sharonville Plant	Sharonville, OH
5	Matsushita Display Devices Company of America	Troy, OH
5	Pro-Tec Coating Company	Leipsic, OH
6	Barbours Cut Container Terminal	LaPorte, TX
6	Baxter Healthcare Corp.	Mountain Home, AR
6	Carthage, Texas Oriented Strand Board	Carthage, TX
6	Dassault Falcon Jet Corp.	Little Rock, AR
6	Inspectorate America	Pasadena, TX
6	Motorola Inc., Fort Worth Facility	Fort Worth, TX
6	Motorola Oak Hill	Austin, TX
6	Turning Basin Terminal Central Maintenance Facility	Houston, TX
7	3M Valley	Valley, NE
7	EMCO Enterprises, Inc.	Des Moines, IA
7	Pfizer - Lincoln Facility	Lincoln, NE
8	Ball Metal Beverage Container Corp.	Golden, CO
9	Baxter Healthcare Corp., Medication Delivery	Irvine, CA
9	Motorola GTSS	Chandler, AZ
9	NASA Ames Research Center	Moffett Field, CA
10	Columbia Vista Corp.	Vancouver, WA
10	SunRidge Lumber Company	Portland, OR

#### Round 6 Admitted August 1, 2003

Region	Facility Name	Location
1	Nexfor Fraser Papers	Madawaska, ME
1	Fairchild Semiconductor Corp.	South Portland, ME
2	Spartech Polycom	Lockport, NY
2	Pfizer Pharmaceuticals, LLC	Barceloneta, PR
3	International Paper-Franklin Mill	Franklin, VA
3	Infineon Technologies Richmond, LLP	Sandston, VA
3	Stanley Furniture	Martinsville, VA
3	Nestle USA Danville	Danville, VA
4	Eaton Hydraulics	Greenwood, SC
4	Webasto Roof Systems, Inc.	Lexington, KY
4	YH America, Inc.	Versailles, KY
4	Delta Faucet Company of TN	Jackson, TN
5	Visteon Corporation Chesterfield Plant	Chesterfield, MI
6	John Zink Company, LLC	Tulsa, OK
6	CYRO Industries	Osceola, AR
6	Motorola, Inc. Ed Bluestein Facility	Austin, TX
7	Rockwell Collins, Inc. - 35 <sup>th</sup> Street Facility	Cedar Rapids, IA
7	Rockwell Collins, Inc. - C Ave. Facility (400 Collins Rd)	Cedar Rapids, IA
8	Xanterra at Mt. Rushmore National Memorial	Keystone, SD
8	Grand Teton Lodge Company	Moran, WY
9	U.S. Borax, Inc.	Boron, CA
9	Xanterra at Grand Canyon National Park	Grand Canyon, AZ
9	Verkamp's Inc.	Grand Canyon, AZ
9	Grand Canyon National Park	Grand Canyon, AZ
10	Washington State University	Pullman, WA

## Attachment 2

### List of Facilities That Have Withdrawn From the National Environmental Performance Track Program (4/2002 through 9/2003)

Region	Facility Name	Location
1	Johnson and Johnson Mitek East (Ethicon)	Westwood, MA
1	INERT Corporation	Newfields, NH
1	Medex (formerly Ethicon Endo-Surgery/J&J)	Southington, CT
2	Mott's Williamson Plant	Williamson, NY
3	Canon Virginia	Newport News, VA
3	Custom Integrated Technology	Newport News, VA
3	Motts-Aspers	Aspers, PA
3	Dana Spicer Heavy Systems	Lancaster, PA
4	Alice Manufacturing (4 facilities)	Easley, SC
4	Beers Construction	Atlanta, GA
4	Dow Corning	Carrollton, KY
4	Hickory Hill Landfill/Recycling	Ridgeland, SC
4	Kerr-McGee Chemical LLC	Columbus, MS
4	Matsushita Electric Motor Co	Berea, KY
4	Oakridge Landfill	Dorchester, SC
4	Palmetto Landfill/Recycling	Wellford, SC
4	Richland Landfill	Elgin, SC
4	SI Corporation - Chickamauga, GA	Chickamauga, GA
4	Sony Music Operations	Carrollton, GA
4	Swift Eckrich	Wallace, NC
4	(Dana) Spicer Heavy Systems	Lugoff, SC
5	Gilardi Foods	Sidney OH
5	Gilardi Foods	Troy, OH
5	Heidelberg Web Systems	Dayton, OH
5	Kerr-McGee Chemical LLC	Indianapolis, IN
5	Kerr-McGee Chemical LLC	Madison, IL
5	Northern IN Fuel & Light	Auburn, IN
5	SWD, Inc	Addison, IL
5	Swift & Co.	Worthington, MN
5	Swift Eckrich	Wells, MN
5	ZEXEL Valeo Compressor	Decatur, IL
6	ConAgra Frozen Foods	Russellville, AR
6	Gilroy Foods	Las Cruces, NM
6	Johnson and Johnson DePuy Orthopaedics	Albuquerque, NM
6	Kerr-McGee Chemical LLC	Texarkana, TX
6	Logistics, Inc., El Paso Distribution Center (formerly Ryder)	El Paso, TX
6	Logistics, Inc., Laredo Finished Goods (formerly Ryder)	Laredo, TX
6	Philips Semiconductors	Albuquerque, NM
7	Celestica	Mt Pleasant, IA
7	ConAgra Beef	Grand Island, NE
7	ConAgra Frozen Foods	Council Bluffs, IA
7	Kerr-McGee Chemical LLC	Springfield, MO
8	ConAgra Beef	Greenley/Kersey, CO
9	Altamont Landfill	Oakland, CA
9	Gilroy Foods	Fernley, NV

9	Gilroy Foods	Gilroy, CA
9	Gilroy Foods	King City, CA
9	IBM Corp	San Jose, CA
9	Phillips Semiconductors	Sunnyvale, CA
9	Simi Valley Disposal/ Recycling	Oakland, CA
9	TriCities Waste Mgmt	Oakland, CA
9	Waste Mgmt of the Desert	Oakland, CA
10	Kerr-McGee Chemical LLC	The Dalles, OR